<div align="center">

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

</div>

United States Courts
Southern District of Texas
FILED

AUG 0 8 2018

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA	§	
	§	
vs.	§	**CRIMINAL NO.**
	§	
THOMAS ANTHONY GARRETT	§	

18 CR 453

<div align="center">

CRIMINAL INDICTMENT

</div>

THE GRAND JURY CHARGES THAT:

<div align="center">

INTRODUCTION

</div>

At all times material to this Indictment:

1.   The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2.   The term "child pornography," for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), as:

> "any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -
>
> (A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct."

3.   The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2)(A), as any:

> "actual or simulated -
> (i)   sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
> (ii)   bestiality; [or]
> (iii)   masturbation; [or]
> (iv)   sadistic or masochistic abuse; or
> (v)   [the] lascivious exhibition of the genitals or pubic area of any person."

<div align="center">

1

</div>

4.   The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6)

and 1030(e)(1), as any:

> "electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

5.   The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United

States Code, Section 2256(3) and case law, as:

> "producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading or copying visual depictions from another source.

6.   The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section

2256(5), as including, but is not limited to, any:

> "undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
(Sexual Exploitation of Children)

From on or about July 12, 2016, through on or about July 14, 2016, within the Southern

District of Texas and elsewhere, defendant,

THOMAS ANTHONY GARRETT,

herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade,

induce, entice and coerce a minor child, to wit: Minor Victim #1, to engage in any sexually explicit

conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction

was produced using materials that had been mailed, shipped and transported in interstate and foreign

Case 4:18-cr-00453   Document 1   Filed in TXSD on 08/08/18   Page 3 of 3

commerce by any means, and said visual depiction was actually transported and transmitted using any means or facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

<u>**COUNT TWO**</u>
(Receipt of Child Pornography)

From on or about July 12, 2016, through on or about July 14, 2016, within the Southern District of Texas,

THOMAS ANTHONY GARRETT,

defendant herein, did knowingly receive material that contained child pornography using any means and facility of interstate and foreign commerce, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

A True Bill:

Original Signature on File

_____
Grand Jury Foreperson

RYAN K. PATRICK
United States Attorney

By: _Kimberly Ann Leo_____
Kimberly Ann Leo
Assistant United States Attorney
713-567-9465